

STATE OF MAINE
KENNEBEC, SS.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. 07- CV- 363

STATE OF MAINE

Plaintiff,

v.

MAINE COAST LOG HOMES, INC.,
TIMBER PINE CONSTRUCTION, INC.,
and MARK A. HOLMES

Defendants.

COMPLAINT

I. INTRODUCTION

1. The State brings this action against Maine Coast Log Homes, Inc., Timber Pine Construction, Inc., and Mark A. Holmes ("defendants") pursuant to the Maine Unfair Trade Practices Act ("UTPA"), 5 M.R.S.A. §§ 206-216 seeking permanent injunctive relief, restitution, civil penalties, costs and attorney's fees.

II. PARTIES

2. Plaintiff, State of Maine, is a sovereign state and brings this action by and through its Attorney General pursuant to 5 M.R.S.A. §§ 191 and 209 and the powers vested in him by common law.

3. Defendant Mark A. Holmes ("Holmes") is an individual residing at 17 Farnham Point Road, Boothbay, Maine.

4. Defendant Maine Coast Log Homes, Inc. ("MCLH") is a Maine corporation with its principal place of business at 519A Gardiner Road, Wiscasset, Maine.

5. Defendant Mark A. Holmes is the President, Treasurer and sole shareholder of MCLH and its *alter ego*.

6. To adhere to the fiction of separate corporate existence between defendant Holmes and defendant MCLH would serve to sanction fraud and promote injustice.

7. Defendant Timber Pine Construction, Inc. ("Timber Pine") is a Maine corporation with its principal place of business at 519A Gardiner Road, Wiscasset, Maine.

8. Defendant Mark A. Holmes is the President, Treasurer and sole shareholder of Timber Pine and its *alter ego*.

9. To adhere to the fiction of separate corporate existence between defendant Holmes and defendant Timber Pine would serve to sanction fraud and promote injustice.

III. JURISDICTION AND VENUE

10. This court has jurisdiction over this action pursuant to 4 M.R.S.A. § 105 and 5 M.R.S.A. § 209.

11. Pursuant to 5 M.R.S.A. § 209, venue is proper in Kennebec County.

IV. STATUTORY BACKGROUND

12. Under the UTPA, 5 M.R.S.A. § 207, unfair or deceptive acts or practices in the conduct of any trade or business are unlawful.

13. The defendants were at all times relevant to this complaint engaged in trade or commerce in and from the State of Maine, to wit: defendants advertise, offer for sale, manufacture, sell and construct log homes.